

SPECIAL TOWN MEETING

October 16, 2006

At a legal meeting of the inhabitants of the Town of Westford, qualified by law to vote in Town affairs, held at the Abbot School on Monday, October 16, 2006, called to commence at 7:30 pm, the following business was transacted:

Election officers, using voting lists, acted as tellers at the doors. Two hundred twenty voters were in attendance as the meeting began.

Ellen Harde, Town Moderator, declared that a quorum was present and called the meeting to order at 7:32 pm.

It was voted unanimously to allow Town employees and consultants who are not residents to address this meeting.

CONSENT CALENDAR

The following two articles were DISMISSED unanimously:

Article 1: FY2007 Budget Adjustments

Article 21: Zoning Bylaw Amendment re: Landscaping in Parking Areas

The following three articles were PASSED unanimously without discussion:

Article 6: Chapter 90 State Highway Funds

Article 23: Granting of an Easement to owners of Abbot Mills

Article 24: Permanent easement for sidewalks in front of 8 Carlisle Road

Article 2 was passed over and will be taken up following a vote under Article 5.

It was VOTED unanimously to take Article 17 out of order.

It was the VOTED to allow nonresidents to address the meeting. Three Westford Academy students and current baseball captains Brett Peterson, Colin Royal, and Brian Schmidtberg, and one former student, Scott Shackleton spoke about the qualities of the late baseball coach and their strong desire to honor his memory in this way.

ARTICLE 17: To name the Westford Academy baseball diamond the Peter Arthur Diamond

It was VOTED unanimously that the Town accept the naming of the baseball diamond, located at Westford Academy, as "The Peter Arthur Diamond" in honor of the late baseball coach, Peter Arthur.

ARTICLE 3. Compensation Plan Amendment for non-union employees

It was VOTED that the Town amend the Pay Classification Plan for non-unionized municipal employees, effective July 1, 2006 as follows:

<i>Position</i>	<i>Current</i>	<i>Min</i>	<i>Mid</i>	<i>Max</i>	<i>New Band</i>	<i>Min</i>	<i>Mid</i>	<i>Max</i>
Assistant Town Engineer Building	Band 3	\$38,171	\$45,592	\$54,604	Band 5	\$47,881	\$57,191	\$68,496
Commissioner	Band 5	\$47,881	\$57,191	\$68,496	Band 6	\$52,189	\$62,337	\$74,659
Director of Technology	Band 7	\$56,887	\$67,949	\$81,380	Band 8	\$62,007	\$74,063	\$88,704
Elder Outreach Coordinator	Hourly	\$10.00		\$14.00	Hourly	\$12.00		\$16.00
Finance Director	Band 8	\$62,007	\$74,063	\$88,704	Band 9	\$67,590	\$81,320	\$96,691
Principal Assessor	Band 5	\$47,881	\$57,191	\$68,496	Band 6	\$52,189	\$62,337	\$74,659
Tax Collector	Band 4	\$42,750	\$51,062	\$61,157	Band 5	\$47,881	\$57,191	\$68,496
Town Accountant	Band 5	\$47,881	\$57,191	\$68,496	Band 6	\$52,189	\$62,337	\$74,659
Town Clerk	Band 4	\$42,750	\$51,062	\$61,157	Band 5	\$47,881	\$57,191	\$68,496

Change Position Title and Band for:

<i>Position</i>	<i>Current</i>	<i>Min</i>	<i>Mid</i>	<i>Max</i>	<i>New Band</i>	<i>Min</i>	<i>Mid</i>	<i>Max</i>
Finance Technician - Finance to Finance & Budget Analyst	Band 1	\$30,429	\$36,347	\$43,530				
					Band 3	\$38,171	\$45,592	\$54,604

Create The Following New Positions:

<i>Position</i>	<i>New Band</i>	<i>Min</i>	<i>Mid</i>	<i>Max</i>
Operations Administrator – Technology	Band 3	\$38,171	\$45,592	\$54,604

(Position moved from school to town budget)
(Approved by Selectmen)

Assistant Town Clerk	Band 3	\$38,171	\$45,592	\$54,604
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A MOTION was made and seconded to AMEND the Article by replacing “Pay Classification Plan for non-unionized municipal employees” with “Appendix A of the Personnel Bylaw (Wage and Classification Plan).” The motion FAILED for lack of majority.

ARTICLE 4. Community Preservation Funds Appropriation

It was VOTED that the Town appropriate from Community Preservation Funds pursuant to Massachusetts General Laws Chapter 44B, in accordance with the recommendations of the Westford Community Preservation Committee, the sum of \$123,039 (ONE HUNDRED TWENTY THREE THOUSAND THIRTY NINE DOLLARS) as follows:

\$63,140	From Historic Resources Reserve	<i>Westford Historical Commission</i>
	For the preservation, rehabilitation, and restoration of the existing wooden fire escape, damaged wooden clapboards, sill at the Westford Museum and any other costs related thereto.	
\$12,900	From Historic Resources Reserve	<i>Westford Historical Commission</i>
	For a Building Assessment Plan in conjunction with the preservation, rehabilitation and restoration of the Westford Museum and Cottage and any other costs related thereto.	
\$46,999	From Community Housing Reserve	<i>Westford Affordable Housing Trustees</i>
	For transfer to the Affordable Housing Trust Fund for the creation, preservation, support, rehabilitation or restoration of affordable housing and any other costs related thereto.	

A MOTION was made and seconded to AMEND the amount under Historic Resources Reserve for work on the fire escape at the Westford Museum to \$28,750. The motion FAILED for lack of majority.

ARTICLE 5. Capital Requests

It was VOTED that the Town raise and appropriate the sum of \$432,000 (FOUR HUNDRED AND THIRTY TWO THOUSAND DOLLARS) to provide for the following capital requests of Town departments in the following amounts:

DEPARTMENT	AMOUNT	PURPOSE
Finance Department	\$20,000	Actuarial valuation of other post employment benefits in order to comply with the Governmental Accounting Standards Board (GASB) Statement 45 requirements and any other costs related thereto.
Town Hall	\$60,000	For the installation of a drainage system in the basement of Town Hall to avert future flooding and to cover the cost of moving records from the work area along the inside perimeter of the basement and any other costs related thereto.
Westford Public Schools	\$250,000	Supplemental roof repairs at the Day School and any other costs related thereto.
Westford Public Schools	\$47,000	For the implementation of a chemical oxidation program at the Day School and any other costs related thereto.

Westford Public Schools	\$15,000	For security enhancements at the two middle schools and high school and any other costs related thereto.
Highway Department	\$40,000	Environmental study of the former Highway Garage and any other costs related thereto.

ARTICLE 2. FY 2007 Budget Transfer

It was VOTED unanimously to dismiss this article.

Article 6 was approved without discussion under the Consent Calendar.

Kate Hollister then introduced Judy Barrett, consultant to the Comprehensive Master Plan Committee who gave a brief overview of the goals of the Master Plan and function of the public forums toward achieving those goals.

Kirk Ware, Chair of the East Boston Camps Master Plan Committee announced that a Public Forum will be held on November 9 & 16 at 7:00pm.

ARTICLE 7. Street Betterments on Pond Road, Birch Road, Grove Street in Nabnasset

It was VOTED unanimously that the Town raise and appropriate the sum of \$50,000 (FIFTY THOUSAND DOLLARS) for the development of detailed layout plans by a registered land surveyor for Birch Road, Pond Road and Grove Street; said sum to be reimbursed by way of a betterment, in the amount of seventy-five percent (75%) of the cost, assessed to owners of property abutting said roads, pursuant to Massachusetts General Laws Chapter 80 or any other enabling authority.

ARTICLE 8: To Pave Birch Road / by Petition

There was NO MOTION under Article 8.

It was VOTED to take Article 11 out of order.

ARTICLE 11. To Purchase Stepinski

Following a brief update as to the status of the negotiations on the Stepinski property (an agreement has not been reached, but \$500,000 from the Water Dept. and \$750,000 from Community Preservation Funds have been appropriated toward the purchase), the Article was DISMISSED by a majority.

A MOTION was then made and seconded to take Article 14 out of order. The motion FAILED for lack of majority.

A MOTION was made and seconded to take Article 19 out of order. The motion FAILED for lack of majority.

ARTICLE 9. To Purchase Graniteville Woods

It was VOTED by a two-thirds counted majority (522 ayes; 105 nays) that the Town appropriate an amount not to exceed \$7,400,000 (SEVEN MILLION, FOUR HUNDRED THOUSAND DOLLARS) for the acquisition of all or a portion of the so-called Graniteville Woods property, identified as Assessors' Map 29, Parcels 70 and 84, Assessors' Map 30, Parcels 12 and 13 and Assessors' Map 35, Parcel 101; and to meet said appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to

borrow under the provisions of Chapter 44 Section 7(3) of the Massachusetts General Laws, or pursuant to any other enabling authority and to authorize the Board of Selectmen to purchase said property or a portion thereof. Said appropriation is contingent on the approval of a Proposition 2 ½ Debt Exclusion vote.

A MOTION was made and seconded to DISMISS the article. The motion FAILED for lack of majority.

A MOTION was made and seconded to AMEND the article. The amendment was divided into the following three motions:

1. To amend the original amount of 9,300,000 to “an amount not to exceed 7,400,000” based on a letter from the owner of the property. The motion PASSED by a majority.
2. To delete “or a portion thereof” in two places. The motion FAILED for lack of majority.
3. To add “for the sole purpose of preservation of open space, wildlife habitat, and preservation of historic resources” following the words “Parcel 101.” The motion FAILED for lack of majority.

It was VOTED to take Article 12 out of order.

ARTICLE 12. Reduce Amount Raised by Taxes in FY2007

It was VOTED that the Town direct the Assessors to take the following available funds to reduce the net amount to be raised for Fiscal Year 2007:

\$ 60,332.28	From Fund Balance Designated for Debt Service
\$ 13,300.90	From Fund Balance Designated for Debt Exclusion Reduction
\$ 3,156,991.11	From Free Cash

At 10:55 pm it was VOTED to adjourn the Meeting to a time certain on Tuesday, October 17th at 7:30 pm.

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Adjourned Special Town Meeting
Tuesday, October 17, 2006

Election officers, using voting lists, acted as tellers at the doors. More than 200 voters were present as the meeting resumed.

Ellen Harde, Town Moderator, declared that a quorum was present and called the meeting to order at 7:50 pm.

ARTICLE 10: Purchase Graniteville Woods / By Petition

It was VOTED to DISMISS this Article.

ARTICLE 13: Accept Chapter 59 Section 5L of the Massachusetts General Laws relative to property tax payment deferral for National Guard and Reservists

It was VOTED unanimously that the Town accept the provisions of Chapter 260, Section 12, of the Acts of 2006, which amends Chapter 59 of the Massachusetts General Laws by inserting new Section 5L which allows that any taxes due under this chapter by a member of the Massachusetts National Guard or reservist or a dependent of a member of the Massachusetts National Guard or reservist to be deferred while that member is on active service outside the Commonwealth and for the next 180 days after that service with no interest or penalties assessed for any period before the expiration of those 180 days.

ARTICLE 14: Accept Chapter 59 Section 5 Clause 54 of the Massachusetts General Laws to allow an exemption from payment of Small Property Tax for assessments less than \$2,000

It was VOTED unanimously that the Town of Westford adopt a Small Personal Property Exemption and accept the provisions of Massachusetts General Law Chapter 59 Section 5 Clause 54 and set \$2,000.00 as the minimum value of personal property subject to taxation; said minimum value to be in effect beginning FY 2008 based on January 1, 2007 assessments.

ARTICLE 15: Accept Chapter 39 Section 23D of the Massachusetts General Laws relative to the amendment of the Mullin Rule

It was VOTED that the Town accept, for all adjudicatory hearings held by all Town boards, committees or commissions, the provisions of Massachusetts General Laws Chapter 39 section 23D, which provides that a member of a board, committee or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met.

ARTICLE 16: A resolution in support of Affordable Housing

It was VOTED that Town Meeting adopt the following resolution:

Town Meeting directs the Board of Selectmen and other appropriate and relevant committees to establish as a top priority the need to make sustained progress toward the goal of attaining the minimum 10% affordable housing level and/or the minimum 1.5% acreage of applicable land necessary to comply with the provisions of the state's affordable housing policy. Town Meeting further directs that the Board of Selectmen utilize appropriate town owned land in furtherance of such purpose.

A MOTION was made and seconded and it was VOTED to amend the original motion by adding "and/or the minimum 1.5% acreage of applicable land."

A MOTION was made and seconded to AMEND the article by adding after "toward the goal of attaining" the words "compliance with the State's Affordable Housing guidelines, either by attaining"; adding after the words "the minimum 10% affordable housing level" the words ", or by attaining the minimum 1.5% acreage of applicable land"; and adding to the very end of the motion the words "and that the Board of Selectmen and the other appropriate and relevant committees actively pursue and promote Affordable Housing projects that meet the following guidelines: 1) that said projects result in the least impact on the Town's infrastructure [schools, roads, fire, police, and other services], 2) that said projects yield a very high percentage of affordable units that count towards the State's guidelines, preferably 100%, 3) that said projects are sited on land that is suitable for building, preferably reuse land, and 4) that said projects be geographically distributed throughout the Town such that no one section of the Town contains the preponderance of projects." The motion FAILED for lack of majority.

A MOTION was made and seconded to divide the amendment. The motion FAILED for lack of majority.

Article 17 was voted following Article 3.

ARTICLE 18: To add to the Westford Town Center Sewer District the privately owned land and buildings at 2 Wheeler Lane

A MOTION was made and seconded that the Town authorize the Board of Selectmen to file a petition to the General Court accompanied by a bill for a special law, or amendment to a special law, relating to the Town of Westford to amend Chapter 89 of the Acts of 2005, and to authorize the Selectmen to approve amendments which shall be within the scope of the objectives of this petition, which amendment will add to the Westford Town Center Sewer District the privately owned land and buildings being described as Assessor's Map 59, Parcel 24, and known as 2 Wheeler Lane, with all costs associated with any connection to and use of the sewer collection and treatment system to be borne by the owner or owners of said 2 Wheeler Lane, and to do all things necessary to accomplish such amendment to the Town Center Sewer District. The motion FAILED for lack of majority.

ARTICLE 19: Amend the Wetlands Bylaw by expanding the jurisdictional boundary to 200 feet and changing the definition of vernal pool

A MOTION was made and seconded that the Town amend its nonzoning wetlands bylaw (Chapter 171, Code of the Town of Westford) as follows: Amend Section 171-2.A

by deleting the term "vernal pool" where it currently appears between the words, "swamp" and "or beach" and adding the following phrase at the end of the existing paragraph

"or within two hundred (200) feet of any vernal pool."

And amend Section 171-9. (Definitions) by deleting the definition of "Vernal Pool" as it currently reads and replacing it as follows:

"The term "vernal pool" shall include, in addition to that already defined under the Wetlands Protection Act, G.L. Ch. 131, §40 and Regulations there under, 310 CMR 10.00, any confined basin or depression within which obligate vernal pool species have been observed and documented in a written report provided to the Conservation Commission by a qualified wetland scientist.

The adjacent upland jurisdictional area for vernal pools shall extend 200 feet from the mean annual high-water line defining the depression. The adjacent upland jurisdictional area for vernal pools shall not extend over lawns, gardens, landscaped or developed areas existing at the time of the adoption of these regulations." The motion FAILED for lack of majority.

A MOTION was made and seconded and it was VOTED to amend the original motion by deleting all the wording following the sentence which reads, "The adjacent upland jurisdictional area for vernal pools shall not extend over lawns, gardens, landscaped or developed areas existing at the time of the adoption of these regulations."

A MOTION was made and seconded to REFER this Article to the Comprehensive Master Plan Committee. The motion FAILED for lack of majority.

ARTICLE 20: Establish a three (3) member General Bylaw Review Committee to be appointed by the Board of Selectmen

It was VOTED that the Town amend the Town of Westford, Massachusetts General By-Laws by adding a new Chapter 10 entitled "Bylaw Review Committee" detailed below:

Chapter 10: Bylaw Review Committee

10.1. Establishment

- A. There is hereby established a Bylaw Review Committee, consisting of 3 voting members. The Committee members shall be appointed by the Board of Selectmen in the following manner:
 - 1. 1 member to be appointed for an initial term of 1 year and thereafter for a term of 3 years.
 - 2. 1 member to be appointed to an initial term of 2 years and thereafter for a term of three years.
 - 3. 1 member to be appointed for a term of 3 years.
- B. The Town Clerk shall be an ex officio, non-voting member of the committee.

10.2 Duties

- A. The Committee shall review the Town's General Bylaws on a regular basis to ensure their internal consistency and their conformity in formatting, placement, and chapter numbering.
- B. The Committee shall review the Town's General Bylaws on a regular basis to ensure their consistency with any applicable law and the Town Charter.
- C. The Committee may propose to the Selectmen for inclusion in the warrant for the next annual or special town meeting any amendments or additions to the General Bylaws that the Committee determines should be made so as to resolve inconsistencies within the Bylaws or with applicable law or the Town Charter.
- D. The Committee shall assist any Town board, officer, administrator, or member of the public, if requested, in drafting amendments or additions to the General Bylaws that will be proposed for inclusion in a Town Meeting warrant.
- E. Whenever practicable, the Selectmen shall submit to the Committee all proposed amendments or additions to the General Bylaws prior to their inclusion in the warrant for any town meeting. The Committee shall meet and review all such proposed amendments and additions and shall report to the Selectmen its recommendations as to their form and consistency with existing provisions of the General Bylaws and the Town Charter and as to their placement in the General Bylaws.
- F. The Committee chair or some members of the Committee designated by the Committee shall report to the Town Meeting any recommendations the Committee considers appropriate with respect to any article in the Warrant that proposes an amendment or addition to the General Bylaws. The Moderator shall call upon the Committee for such report prior to the discussion or vote on such article.

- G. The Committee shall assist the Town Clerk in preparing from time to time the publication of the General Bylaws including all amendments and additions thereto.

10.3 Failure to Observe Provisions

Failure to observe any provision of this Article shall not affect the validity of any change in the General Bylaws that has been duly adopted by vote of the Town Meeting.

10.4 Severability

In case any section, paragraph, or other part of this chapter is for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

A MOTION was made and seconded to AMEND the motion by striking “shall be appointed by the Board of Selectmen” and replace with “shall be appointed by Town Meeting at its Annual Town Meeting.” The motion FAILED for lack of majority.

Article 21 was dismissed under the Consent Calendar.

ARTICLE 22: Acceptance of land in lieu of taxes: Map 25-148 (Long Meadow Road) and Map 25-175 (Old Homestead Road)

It was VOTED that the Town, pursuant to MGL Chapter 60 S. 77C and MGL Ch. 40, S. 8C, accept from Old Homestead Realty, David Moulton Trustee in lieu of foreclosure and for conservation purposes a deed of a fee interest to two certain parcels of land comprising approximately 1.07 acres located off Long Meadow Road and Old Homestead Road and identified as being shown as parcels 148, comprising 0.92 acres, and 175, comprising 0.15 acres, on Westford Assessors’ map number 25 and further identified as being shown Lot 36 and “Easement for Future Street” as shown on a Plan entitled “Old Homestead Acres in Westford, Mass., Lotting Plan” recorded at the Middlesex North District Registry of Deeds at Plan Book 109 Plan 175; said land to be under the care and custody of the Conservation Commission for the protection of the natural and watershed resources of the Town.

Having no further business to conduct, the meeting adjourned at 9:57 pm.

A true copy attest,

Kaari Mai Tari
Town Clerk